

Testimony of Candace Morgan
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on
S. 97, The Children's Internet Protection Act
before the
Senate Committee on
Commerce, Science and Transportation

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I want to thank you for the opportunity to participate in this important hearing today. My name is Candace Morgan. I am the Associate Director of the Fort Vancouver Regional Library, which serves 350,000 residents of Clark, Skamania & Klickitat counties and the City of Woodland in Cowlitz County in Southwestern Washington State. I have been a librarian for over 30 years, the last 15 years at Fort Vancouver Regional Library. Previously, I have worked in the Illinois and Oregon State Libraries, a special library in Chicago, an academic library in Michigan, and a public library in California.

I am here today representing the Fort Vancouver Regional Library to comment on S. 97, the Children's Internet Protection Act sponsored by Senator John McCain and Senator Ernest Hollings. This legislation would require the installation and use by schools and libraries of technology that filters or blocks Internet access on computers as a condition of eligibility for universal service assistance.

The concerns underlying this legislation are important and I commend the Chairman for raising public awareness about children's Internet safety. I share the sponsors' concerns that children's experience on the Internet be safe, educational and rewarding. As new technologies proliferate, it is critical that we balance the extraordinary value they bring to communications and learning with responsible use and careful guidance. I also appreciate that the legislation has been modified slightly since last Congress to meet the concerns of libraries with only one public access terminal. Nevertheless, as a practicing librarian in a community that has just developed a policy for addressing children's Internet use, I remain concerned about the impact that a federal blocking mandate will have on local control and community decision-making.

As the Associate Director of the Fort Vancouver Regional Library I have had direct experience with the development and adoption of a policy for library patron access to the Internet. In my experience, the role of the community in helping to inform and shape a solution is critical. My concern with the proposed legislation is that, while it permits some discretion to local officials to determine what material is "deemed to be harmful to minors" and what software to use to block that content, it denies local communities the opportunity to determine what approach will best serve children in these communities in dealing with challenging content. It is not just that one solution doesn't fit all communities. It is also that a federal mandate on a matter so closely tied to local norms and values is, in my view, counterproductive and even harmful. The legislation may not only discourage communities from doing the hard work to reach their own solutions; it also lacks the legitimacy necessary to foster broad community support.

While no one approach to Internet safety will satisfy everyone in the community, I believe it is possible to work with the community to fashion a "bottom up" approach that respects community values, addresses core concerns and provides useful solutions. Not surprisingly, local decision-making processes vary significantly and the solutions are extremely diverse. But what they have in common is involvement of the community, understanding of local norms and values, knowledge of practices that take into account the information needs of children and teens, and a general good faith desire to find a solution that respects the diverse perspectives in the community.

To better understand the important relationship between the community and the library in the development of guidelines for access to the Internet, I believe it is useful for me to describe my own experience in the state of Washington.

The Fort Vancouver Regional Library (FVRL) is a public library district serving three counties and twelve cities in southwestern Washington State. FVRL has been providing public Internet access since 1996 from terminals located in 10 branches. Library staff developed a home page with links to sites that we knew would be helpful to library users. These included sites developed particularly for children and teens. The following year, staff identified a number of search engines that offer filtered searching and we revised our home page to offer library users a choice between searching with filtered search engines and unfiltered searches.

Last year the Library Board, appointed by elected local officials, began a public process to study the Library's policies and practices concerning Internet access. At the March 1998 Board meeting, staff presented a background report on the Internet and software filtering. The Board Policy Committee began an intensive study of the Internet and filtering issues. A lab was set up for their use with a number of filters to try out. Information was gathered about what other libraries were doing and about the constitutional issues involved. Public comment was solicited in a number of forums. The Policy Committee drafted a Policy on Access to Electronic Information that was then subject to a public hearing and a public open comment period. After three months of public input and study, the policy was adopted at the August meeting.

The policy states that filtering of the Internet will not be imposed on anyone. It also affirms that it is against library policy to access, download, or disseminate materials that the courts have found to be illegal. The policy states that following this prohibition is the responsibility of the library user. Parents and guardians are responsible for the behavior of their own minor children. However, the policy also directs library staff to explore the availability of effective and economically feasible technology to enable parents to limit their own minor children's use of electronic resources in the library. Staff are directed to take steps to protect the privacy of Internet users and to minimize unintentional viewing of the Internet.

In accordance with this Board mandate, the Library has taken the following steps:

1. We have selected a commercial software filter that will be installed on each Internet terminal desktop to give the searcher three choices of a searching environment: commercially filtered; filtered search engines, or unfiltered. This choice will be in place soon.
2. We have selected a vendor to develop software that library patrons will use to sign-up for time on our Internet terminals. The software will make it possible to electronically enforce time limits on Internet use in the library and to close all files at the end of an Internet search session. This software will also make it possible for Internet users to choose whether they want to search with a commercial filter, with filtered search engines, or unfiltered. That choice will be part of their library card record so that they will not have to use their limited time at the terminal to choose a searching environment. One of the main reasons why we are investing in this software development is that it will make it possible for parents to make the choice to require that their children use either a guided or filtered search when they use a library Internet terminal. This choice will be part of the child's library card record, so the parent will need to make that choice only once. The vendor has promised this functionality within six months.
3. FVRL has privacy screens on all its Internet terminals. We are involving the public in testing various designs of recessed screen terminals to further protect patron privacy.
4. A committee composed of library staff and several members of the public are designing a training program for parents that will provide them with information about the Internet so they will be better prepared to guide their children's use of the Internet.

All Fort Vancouver Regional Library Board meetings are advertised and open to the public. The agenda includes opportunities for public comment. The Board meets in a different community each month. Therefore, citizens throughout the library district have had an opportunity to discuss this issue with the Library Board in a meeting at their local branch library. Although a few individuals have continued to ask

the Board to require software filters with a default of "on", a majority of those who have commented support the approach of individual choice of technological tools with parents making those choices for their children. They do not want the library, or any other governmental agency, to force one choice on all library users. The fact that the majority of our community supports the policy is, we believe, strong evidence that specific solutions concerning children's Internet use ought to be left to local communities.

While Fort Vancouver's process led to one policy result, other local communities have reached different conclusions. For example, the Santa Clara County Library, located in the heart of Silicon Valley, also has grappled with the issue of access to the Internet. In late 1996, in response to a group of concerned parents who asked the library to install filtering software and restrict minors' access to the Internet, the library's governing board began a discussion that was to last for almost two years. The library had experienced only a handful of "incidents" where minors accessed "inappropriate" sites and the number of concerned parents was small in relation to the district population. Many other parents and members of the general public strongly disagreed that the library should assume the requested monitoring, believing that to be the role of the parent.

For a period of time the Board's regular business was subsumed by volatile meetings where many individuals expressed impassioned and highly polarized positions. In addition, the library's eight advisory commissions also held public hearings and the various city councils considered this issue.

To the Board's great credit, they recognized that this decision could not be made without considerable evaluation and thought. Despite an inflammatory situation, the Board resisted a quick decision. To help the Board gather the broadest range of opinion and represent the needs of all of the stakeholders, the library hired the Markkula Center for Applied Ethics, an ethics center affiliated with Santa Clara University that works with community organizations where values are in conflict.

Markkula's charge was to provide a neutral place for all players to express their opinions. They also were to offer a process to the Board for making an ethical and thoughtful decision that honored the concerns of everyone. Markkula was not charged to recommend a solution but to focus on an ethical process. Over a several month period, they met with parents holding widely diverse opinions and with librarians, policy makers, the general public, and minors. A report was produced (available at the center's website, www.scu.edu/ethics) that, along with the record from community meetings, led to the establishment of criteria for making a decision.

The criteria included:

- * Providing options for parents
- * Preserving choice unmonitored by staff for all patrons
- * Honoring the library's public forum status
- * Creating a more protected area of the library for younger children
- * Ensuring privacy of all patrons

In turn, these criteria led to a solution supported by most library users:

- * Place filtering software on children's room Internet computers
- * Offer choice of filtered or non filtered access on all other Internet computers
- * Allow patrons of any age freedom to choose the type of access they desire without staff monitoring of content

While a few individuals have since asked the Board for a more restrictive policy, the great majority of users in Santa Clara have found the solution acceptable and the library has had virtually no complaints.

In yet another example, in the state of South Carolina two years ago as a condition of receiving high-speed Internet access, each public library was required to develop an Internet access policy and to have

the library board approve the policy. But the state did not dictate the specifics of that policy, wisely leaving the actual contents of the policy up to each local library and its board.

The South Carolina State Library provided a sample policy to public libraries that address the fundamental issues that should be considered in implementing public access to the Internet, as well as a procedures checklist. The state library urged that, if a library adopted the sample policy, it should re-evaluate it within six to nine months to modify it to suit local needs. Some libraries and boards are using the sample policy, many libraries have modified it in a variety of ways. Some libraries require filtering of at least some terminals, others do not. Some libraries held discussions with their boards on the policy. Others worked with their boards to hold public hearings, to consult experts, or to take other steps in the formulation of their policy that best fitted their local circumstances and the needs of their communities. Every public library in the state has since developed a policy, all of which are on file at the state library.

While the processes and solutions in Fort Vancouver, Santa Clara and South Carolina differ; all are examples of why local control over these difficult decisions are essential. Unlike a "top down" federal mandate, a community process:

- * Promotes understanding of the public library and its importance as a public forum.
- * Brings the opinions of every stakeholder to the table, not just those of a minority group
- * Promotes decisions that work toward a broad middle ground
- * Honors legal and constitutional concerns
- * Supports a decision based on thoughtful deliberation as opposed to emotion
- * Creates a structure that can work in an arena where the environment is constantly changing
- * Produces a solution that has broad community support

It is acceptable for Congress to require schools and libraries to develop policies around children's Internet access. But dictating a solution to local communities would undermine the thoughtful processes that most libraries and schools have already undertaken, and that they will need to regularly review, revise, and update with board and community involvement.

There are nearly 9000 public library systems in the United States, with nearly 16,000 main and branch library outlets. "The 1998 National Survey of Public Library Outlet Internet Connectivity"¹ showed that 85 percent of library outlets had in place a local Internet use policy. About 15 percent use filters on at least some of their public workstations. While nearly 74 percent of libraries offer some public Internet access, only 45 percent offer multimedia public Internet access with connections at speeds greater than 56 kbps, and 43 percent had only one multimedia workstation available to the public. Libraries' technological capabilities, services, and policies will continue to evolve with technological advances and user expectations.

The issue of how best to guide children's Internet access is often treated as an easy yes or no decision when, in fact, it is complex and deserves a full range of discussion in the community. In my experience, those discussions lead people of all persuasions to recognize that there is no simple answer to this complicated issue and to work toward a viable solution.

Congress must understand that there is no one-size fits all solution that the federal government can impose that is better or more thoughtful than the solutions communities adopt. I am hopeful that the Committee will recognize the vital role that libraries can play in assisting parents to help their children learn to use these marvelous resources in ways consistent with their family values.

¹ Bertot, John C. and McClure, Charles R. 10/98 The 1998 National Survey of Public Library Outlet Internet Connectivity. Survey prepared or the American Library Association Office for Information Technology Policy and the U.S. National Commission on Libraries and Information Science.

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